

**BAY COUNTY ELECTION COMMISSION
FEBRUARY 25, 2010**

THE BAY COUNTY ELECTION COMMISSION MET IN THE MORNING OF THURSDAY, FEBRUARY 25, 2010 IN THE FIRST FLOOR CONFERENCE ROOM OF THE BAY COUNTY CLERK OFFICE, BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER AT 8:35 A.M. BY PROBATE JUDGE, KAREN TIGHE AFTER BEING POSTED IN ACCORDANCE WITH THE OPEN MEETING ACT. THE PURPOSE OF THE MEETING WAS TO ADOPT THE ANNUAL 2010 RESOLUTION THAT AUTHORIZED THE BAY COUNTY CLERK TO PERFORM THE 2010 ELECTION FUNCTIONS.

ROLL CALL: RICHARD F. BRZEZINSKI, TREASURER
 CYNTHIA A. LUCZAK, BAY COUNTY CLERK
 KAREN TIGHE, PROBATE COURT JUDGE

CLERK LUCZAK INFORMED THE MEMBERS OF THE REMAINING 2010 ELECTION DATES AS NOTED. THERE WAS NOT A FEBRUARY ELECTION.

MAY 4, 2010

AUGUST 3, 2010

NOVEMBER 2, 2010

CLERK LUCZAK EXPLAINED TO THE BOARD THAT THE ISSUES ON THE MAY 2010 BALLOT INCLUDED THE ELECTION OF BAY CITY SCHOOL BOARD MEMBERS; BANGOR TOWNSHIP SCHOOL BOARD MEMBERS; REESE AREA SCHOOLS IN MERRITT TOWNSHIP (TUSCOLA COUNTY) AND THE RECALL OF THREE (3) BOARD MEMBERS FROM THE STANDISH STERLING SCHOOL BOARD. AT THIS TIME, THE PINCONNING AREA SCHOOL DISTRICT AND ESSEXVILLE-HAMPTON SCHOOL DISTRICT HAD ADOPTED RESOLUTIONS TO ELECT THEIR SCHOOL BOARD MEMBERS ON THE NOVEMBER BALLOT. THE FILING DEADLINE FOR THOSE DISTRICTS WOULD BE AUGUST 10, 2010 RESPECTIVELY.

FURTHER DISCUSSED, WAS THE CONSTITUTIONAL CONVENTION BALLOT QUESTION THAT WOULD APPEAR ON THE NOVEMBER 2010 BALLOT. THIS WOULD OFFER THE ELECTORATE OF THE STATE OF MICHIGAN THE OPPORTUNITY TO AMEND THE STATE CONSTITUTION WHICH WOULD ONLY OCCUR, IN ACCORDANCE WITH LAW, EVERY 16 YEARS.

MOTION 1: JUDGE TIGHE MOVED TO APPROVE THE 2010 ELECTION RESOLUTION WHICH AUTHORIZED THE COUNTY CLERK TO PROCEED WITH ALL ELECTION FUNCTIONS AND EXPENDITURES OF FUNDS NECESSARY TO CONDUCT THE 2010 ELECTION DUTIES. IT WAS SUPPORTED BY TREASURER BRZEZINSKI AND CARRIED BY UNANIMOUS VOICE VOTE - 3 YEAS, 0 NAYS.

AN UPDATE OF THE AUBURN CITY COMMISSION RECALL WAS FURTHER DISCUSSED FOLLOWING THE ADOPTION OF RECALL LANGUAGE AT A CLARITY HEARING HELD ON NOVEMBER 24, 2010. THE CLERK HAD PRIOR CONVERSATIONS WITH PETITIONER GERALD JANOWICZ, INDICATING HE AND OTHERS HAD BEEN COLLECTING RECALL PETITION SIGNATURES AND WERE NEARING THE POINT OF SUBMITTING THESE TO THE CLERK. ONCE SIGNATURES WERE SUBMITTED TO THE CLERK, WOULD BE VERIFIED BY BOTH COUNTY AND CITY CLERKS TO DETERMINE THE SUFFICIENCY TO BE PLACED ON THE BALLOT. (AT THE TIME OF THE MINUTE PREPARATION IT WAS DETERMINED THE SIGNATURE REQUIREMENTS HAD NOT BEEN MET WITH 243 VALID SIGNATURES OUT OF THE REQUIRED 254).

NEW COMPUTER TECHNOLOGY FOR ALL POLLING LOCATIONS CALLED AN ELECTRONIC POLL BOOK WAS SCHEDULED TO BE DEMONSTRATED TO THE BOARD OF CANVASSERS, CITY AND TOWNSHIP CLERKS ON MARCH 18, 2010. THIS WAS BEING MADE POSSIBLE BY HELP AMERICAN VOTE ACT DOLLARS THROUGH THE STATE OF MICHIGAN AND PARTICIPATION BY THE LOCAL BAY COUNTY JURISDICTIONS WAS OPTIONAL.

CONGRESS HAD ENACTED THE "MOVE ACT" AT THE END OF 2009 WHICH REQUIRED STATES TO PROVIDE ELECTRONIC TRANSMISSION OF ABSENTEE BALLOTS TO MILITARY AND OVERSEAS CITIZENS WHO CHOOSE THAT AS THEIR PREFERRED DELIVERY METHOD. THIS LEGISLATION INCLUDES AN ABSENTEE TRACKER THAT PERMITS VOTERS TO DETERMINE THE STATUS OF THEIR BALLOTS. IT FURTHER REQUIRES THE COUNTY CLERK TO MAKE BALLOTS AVAILABLE FOR DISTRIBUTION BY THE LOCAL CLERKS, ON THE 45TH DAY PRIOR TO AN ELECTION. STATE OFFICIALS WILL BE INFORMING BALLOT PRINTERS OF THIS REQUIREMENT AND FORCING THEM TO STEP UP TO THE PLATE ON THIS DEADLINE.

THE BAY COUNTY JUDICIAL SEATS BEING VACATED BY C. ALSTON, S. NEWCOMBE AND WM. CAPRATHE WERE ALSO NOTED. THESE JUDICIAL OFFICES WILL APPEAR ON BOTH THE AUGUST PRIMARY AND NOVEMBER GENERAL BALLOTS IN 2010.

TREASURER BRZEZINSKI ASKED WHEN THE REAPPORTIONMENT PROCESS WAS SCHEDULED FOLLOWING THE 2010 CENSUS. THE CLERK EXPLAINED THE CENSUS FINDINGS WILL BE REPORTED BY THE SPRING OF 2011 AND THE REAPPORTIONMENT PROCESS MUST BE COMPLETED BY JUNE 30, 2011.

WITH NO OTHER ISSUES TO ADDRESS, THE MEETING WAS ADJOURNED AT 8:55 A.M. BY CONCURRENCE OF THE MEMBERS IN ATTENDANCE.

RESPECTFULLY SUBMITTED

CYNTHIA A. LUCZAK
BAY COUNTY CLERK

BAY COUNTY ELECTION COMMISSION
2010 RESOLUTION

WHEREAS, THE STATE OF MICHIGAN HAS ESTABLISHED FOUR (4) STANDARD ELECTION DATES PER YEAR UNDER THE ELECTION CONSOLIDATION ACT PUBLIC ACT 298-306 OF 2003 WHICH SHALL INCLUDE THE FOLLOWING DATES DURING THE YEAR 2010:

FEBRUARY 23, 2010	MAY 4, 2010
AUGUST 3, 2010	NOVEMBER 2, 2010

WHEREAS, THE COUNTY CLERK AS "COORDINATOR" OF THE BAY COUNTY ELECTION PROCESS SHALL TAKE ANY AND ALL NECESSARY STEPS TO COMPLY WITH THE ELECTION CONSOLIDATION PLANS AND PERFORM THE DUTIES ASSOCIATED WITH THE MAY 4, 2010 REGULAR BALLOT INCLUDING ELECTION OF SCHOOL BOARD MEMBERS TO THEIR RESPECTIVE SCHOOL DISTRICTS.

AS NEGOTIATED WITH THE COUNTY; CITY; TOWNSHIP AND THE ESSEXVILLE-HAMPTON SCHOOL DISTRICT, SCHOOL BOARD MEMBER CANDIDATES WILL APPEAR ON A BALLOT ON EVEN YEAR NOVEMBER GENERAL ELECTIONS WITH ROTATING SIX (6) YEAR TERMS. THIS CHANGE IS MADE PURSUANT TO STATE LAW FOLLOWING THE HOLDING OF A PUBLIC HEARING AND RESOLUTION OF THE ESSEXVILLE-HAMPTON SCHOOL BOARD. THE PROPER DOCUMENTATION HAD BEEN SENT TO THE STATE BUREAU OF ELECTIONS PRIOR TO THE DECEMBER 31, 2009 DEADLINE. THIS SCHOOL DISTRICT HAS NOW JOINED THE PINCONNING AREA SCHOOL DISTRICT IN A CHANGEOVER TO NOVEMBER ELECTIONS.

TO BE PRESENTED TO THE VOTERS AT THE MAY 4, 2010 ELECTION WILL BE THE BAY CITY SCHOOL BOARD CANDIDATES; REESE SCHOOL BOARD CANDIDATES ALONG WITH THE RECALL OF STANDISH-STERLING SCHOOL BOARD, THREE (3) MEMBERS.

IN ADDITION, FOLLOWING THE MAY 4, 2010 ELECTION, THE CLERK SHALL CONSULT WITH THE RESPECTIVE SCHOOL DISTRICTS AND PROVIDE AN UPDATE OF EXPENSES RELATED TO THE MAY 4, 2010 ELECTION AND OFFER INFORMATION AND FUTURE OPTIONS.

ON THE NOVEMBER 2, 2010 BALLOT, THE ELECTORATE WILL CONSIDER AMENDMENT OF THE CONSTITUTION OF THE STATE OF MICHIGAN. THE OPPORTUNITY TO AMEND THE STATE CONSTITUTION PRESENTS ITSELF EVERY 16 YEARS.

WHEREAS, THE COUNTY CLERK HAS A STATUTORY DUTY TO PERFORM ALL ELECTION RELATED FUNCTIONS UNDER THE CONSTITUTION OF THE STATE OF MICHIGAN, BE IT RESOLVED THAT THE BAY COUNTY CLERK, CYNTHIA A. LUCZAK, OR HER DESIGNEE, SHALL BE GRANTED AUTHORITY BY THIS COMMISSION TO PREPARE AND PROVIDE THE OFFICIAL BALLOTS FOR ALL REGULAR, PRIMARY, SPECIAL AND GENERAL ELECTIONS.

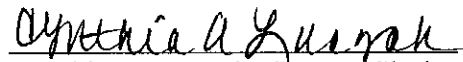
THIS RESOLUTION TO INCLUDE PAYMENT OF ALL EXPENSES RELATED TO CONDUCTING ELECTIONS FOR CALENDAR YEAR 2010.

FURTHER, THESE COSTS SHALL INCLUDE BUT NOT BE LIMITED TO, THE ORDERING OF BALLOTS; SUPPLIES; PUBLISHING OF NOTICES; PROGRAMMING FUNCTIONS; PRECINCT WORKER EXPENSES; BOARD OF CANVASSER FEES; ADDITIONAL ELECTION STAFF; AUTOMARK RELATED FEES; OR ANY OTHER COSTS AFFILIATED WITH CONDUCTING PERFORMING STATUTORY FUNCTIONS UNDER THE MICHIGAN ELECTION LAW.

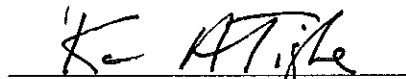
ALL EXPENDITURES SHALL BE TAKEN FROM THE GENERAL FUND FROM THE COUNTY OF BAY AS TO BE ALLOCATED IN THE GENERAL APPROPRIATIONS BUDGET ACT RESOLUTION IN ACCORDANCE WITH STATE LAW.

FURTHER, BEFORE EACH ELECTION, THE CLERK SHALL CERTIFY THE NAMES OF CANDIDATES TO THE ELECTION COMMISSION MEMBERS INCLUDING THE COUNTY TREASURER, RICHARD BRZEZINSKI AND PROBATE JUDGE KAREN TIGHE. THE CLERK WILL ALSO NOTIFY THE PROBATE JUDGE WHEN THE ELECTION FUNCTIONS ARE CONCLUDED FOR EACH ELECTION DAY AS LISTED FOR 2010.

THEREFORE, THE 2010 ELECTION COMMISSION RESOLUTION WAS SIGNED AND EXECUTED FOLLOWING A SESSION HELD IN ACCORDANCE WITH THE OPEN MEETING ACT, DATED FEBRUARY 25, 2010.


Cynthia A. Luczak, County Clerk


Richard F. Brzezinski, Treasurer


Karen A. Tighe, Probate Judge